

**LUKAS, NACE, GUTIERREZ & SACHS**

**CHARTERED**

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August 6, 2004

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-B204  
Washington, DC 20554

**Re: Notice of Oral *Ex Parte* Communication,  
WT Docket No. 02-353**

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, we hereby provide you with notice of oral *ex parte* presentations in connection with the above-captioned proceeding. I represented the Rural Cellular Association ("RCA") and Diane Cornell represented CTIA – The Wireless Organization in meetings with the following:

August 4, 2004

Office of Chairman Powell: Sheryl J. Wilkerson, Legal Advisor; and Bethany Smocer, Intern

Office of Commissioner Abernathy: The Hon. Kathleen Q. Abernathy and Jennifer Manner, Senior Counsel

Office of Commissioner Copps: Paul Margie, Spectrum and International Legal Advisor

Office of Commissioner Martin: Sam Feder, Legal Advisor on Spectrum and International Issues

Wireless Telecommunications Bureau: John Muleta, Chief; Scott Delacourt; William Huber; Gary Michaels; Blaise Scinto; Thomas Stanley; and Peter Trachtenberg

Ms. Marlene H. Dortch

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Office of Commissioner Adelstein: The Hon. Jonathan S. Adelstein; and Barry Ohlson,  
Senior Legal Advisor

RCA filed a Petition for Reconsideration ("Petition") concerning the following band plan adopted by the Commission:

<u>Blocks</u>	<u>Pairings</u>	<u>MHz</u>	<u>Area</u>	<u>Licenses</u>
A	1710-1720 and 2110-2120	20	EA	176
B	1720-1730 and 2120-2130	20	REAG	12
C	1730-1735 and 2130-2135	10	REAG	12
D	1735-1740 and 2135-2140	10	RSA/MSA	734
E	1740-1755 and 2140-2155	30	REAG	12

RCA today proposed a compromise position not reflected in its Petition that would allow a license of 20 MHz to be made available according to RSA/MSA geographic boundaries. A single license of 10 MHz for RSAs/MSAs does not provide sufficient spectrum for all forms of 3G service anticipated by the wireless industry. RCA requested that the FCC also retain a 20 MHz license for Economic Area ("EA") boundaries. By this proposal, there need not be an increase in the overall number of licenses if the Commission reduced, from 30 MHz to 20 MHz, the amount of spectrum allocated for one of the REAG licenses.

The following revised bandplan was proposed by RCA:

<u>Blocks</u>	<u>Pairings</u>	<u>MHz</u>	<u>Area</u>	<u>Licenses</u>
A	1710-1720 and 2110-2120	20	EA	176
B	1720-1730 and 2120-2130	20	REAG	12
C	1730-1735 and 2130-2135	10	REAG	12
D	1735-1745 and 2135-2145	20	REAG	12
E	1745-1755 and 2145-2155	20	RSA/MSA	734

Sincerely,

***Filed Electronically***

David L. Nace  
Counsel for Rural Cellular Association

cc: Above-Identified Commissioners and Staff (by email)  
Best Copy and Printing, Inc. (by email)